

AGENDA ITEM#
May 14, 2004

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Pending Legislation (2004)
(For Possible Commission Action)

2004 Legislative Calendar: Bills must pass out of the house of origin by the end of May. Budget Bill due June 15. Summer Recess July 2 until August 2. Last day for non-urgency bills is August 31.

The following bills would impact the Delta:

AB 1908 (Canciamilla) would require Department of Water Resources to conduct at least one public hearing in the Delta on the update of the California Water Plan.
This bill has been redrafted and now applies to recycled water; no Delta issues.

AB 2048 (Nakanishi) would require the State Water Resources Control Board or a regional board to post signs in the Counties of Sacramento, San Joaquin, and Yolo to warn of mercury contamination in the Sacramento-San Joaquin River Delta region.
Bill is "dead".

AB 2476 (Wolk) original bill language would change the 19 voting members of the Delta Protection Commission to include two members representative of agricultural interests, two members representative of environmental interests, two members representative of recreation interests, two representing reclamation districts, the Secretary for Resources, the Secretary of Food and Agriculture, the public member of the California Bay Delta Authority representing the Delta, three City Council members, and five County Supervisors, and would add 11 specified nonvoting members to the Commission.

Amendments submitted March 23, 2004 and April 26:

- ***Retains proposed membership changes.***
- ***Requires Commission by October 1, 2006 to identify lands within the Secondary Zone that if developed would have an impact on the Primary Zone.***
- ***Clarifies actions leading to an amendment of the regional land use plan.***
- ***Clarifies impact of Commission action re appeals of local government actions to the Commission.***
- ***Eliminates cap on the San Joaquin Delta Protection Fund (currently \$250,000).***

- *Requires local government amendment of a general plan from agricultural or habitat land uses to urban use to provide mitigation. Mitigation would be one for one, in easements in the Primary Zone or the Secondary Zone, or payment of funds in lieu of acquiring easements.*
 - *Fees collected by the local government would be transmitted to the Treasurer for deposit in the Sacramento-San Joaquin Delta Protection Fund.*
- (Attached)*

SB 1155 (Machado) would prohibit a public agency, including the Bay-Delta Authority (BDA), from assisting or cooperating with any other public agency for the purposes of increasing pumping from the Delta beyond levels authorized under operating criteria in effect on July 1, 2003 until the BDA, the State Water Resources Control Board or regional board, and the Department of Water Resources, in collaboration with the implementing agencies, undertake certain actions in accordance with a process that encourages public participation and in furtherance of certain described solution principles.

This bill language has been redrafted (May 11, 2004) and now directs the direct of Department of Water Resources to develop and implement a program by January 1, 2006 to meet all existing water quality standards and objectives for which the State Water Project has responsibility. A hearing before the Senate Appropriations Committee is scheduled for May 17, 2004. (Attached)

SB 1607 (Machado) would prohibit a local agency formation commission from approving a change to the sphere of influence of a local government agency of territory that is part of the Primary Zone of the Delta if that local government agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory.

The bill language has been redrafted and now changed to require LAFCOs to use criteria in Delta Protection Act to evaluate proposals by local districts to expand in the Primary Zone of the Delta. Hearing before Senate Local Government Committee on May 12 postponed by Committee.

(Attached)

BILL NUMBER: AB 2476 INTRODUCED BY Assembly Member Wolk

AMENDED IN ASSEMBLY APRIL 26, 2004

AMENDED IN ASSEMBLY MARCH 23, 2004

FEBRUARY 19, 2004

An act to amend Sections 29702, 29703, 29705, 29706, 29707, 29735, 29741, 29753, 29756, 29756.5, 29760, 29761, 29762, 29763, 29763.5, 29764, 29765, 29771, 29776, and 29777 of, to add Sections 29740.5 and 29765.5 to, and to repeal Section 29761.5 of, the Public Resources Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 2476, as amended, Wolk. Sacramento-San Joaquin Delta.

(1) Existing law creates the Delta Protection Commission and specifies that the membership includes, among others, one member from each of the 5 different reclamation districts located within the primary zone who is a resident of the delta and elected by the trustees of the reclamation districts, and the Director of Parks and Recreation, the Director of Fish and Game, the Director of Food and Agriculture, the ~~executive officer~~ Executive Officer of the State Lands Commission, the Director of Boating and Waterways, and the Director of Water Resources, or their designees. Existing law also authorizes each reclamation district to nominate one director to be a member of the commission.

This bill would, instead of the members specified above, require membership of the commission to include 2 members who are representative of agricultural interests, 2 members who are representative of environmental interests, 2 members who are representative of recreation interests, 2 members representing reclamation districts, the public member of the California ~~Bay-Delta~~ Bay-Delta Authority appointed by the Governor to represent the Sacramento and San Joaquin River Delta Region, the Secretary of the Resources Agency or the secretary's designee, and the Secretary of Food and Agriculture or the secretary's designee. The bill would also add specified nonvoting members to the commission.

The bill would also revise certain legislative findings relating to the delta.

(2) Existing law vests the commission with various powers and duties relating to the delta. Existing law requires local governments to undertake various actions with respect to the delta. The bill would revise some of the commission's powers and duties by, among other things, requiring the commission, by October 1, 2006, to identify lands within the secondary zone, that, if developed, would have an impact on the primary zone, and would expand the commission's authority, and local governments' duties, with respect to those lands within the secondary zone. By expanding local governments' duties, the bill would impose a state-mandated local program.

The bill would also provide that a change or update to the resource management plan adopted, reviewed, and maintained by the

commission may be approved by the commission only after at least 3 public hearings, as specified.

3) Existing law requires the Director of State Planning and Research to submit to the commission comments and recommendations on the resource management plan, before the commission adopts the plan. The bill would also require the director to submit comments to the commission before the plan is updated.

(4) Existing law authorizes a person to appeal to the commission from specified actions by a local government or local agency with respect to the delta. If an appealed action is remanded by the commission to the local government or local agency, existing law authorizes the local government or local agency to modify the appealed action and resubmit the matter for review by the commission. This bill would require, rather than authorize, the local government or local agency to modify the appealed action and resubmit it to the commission for review, thereby imposing a state-mandated local program.

(5) Existing law creates the San Joaquin Delta Protection Fund in the State Treasury and provides that any money in the fund is available, upon appropriation by the Legislature, for support of the commission in an amount not to exceed \$250,000 in any fiscal year. This bill would delete the cap on the amount of money that may be appropriated from the fund for support of the commission in any fiscal year.

(6) The bill would require a local government's general plan amendment for the secondary zone that results in the conversion of agricultural land or habitat from a rural use to an urban classification, to comply with specified mitigation requirements relating to easements *or fees for easements*. By imposing that requirement on local governments, the bill would impose a state-mandated local program. *The bill would require those fees to be paid to the commission and deposited in the fund, as specified.*

(7) The bill would make other related substantive and nonsubstantive changes and delete obsolete provisions of law.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 29702 of the Public Resources Code is amended to read:

29702. The Legislature further finds and declares that the basic goals of the state for the delta are the following:

(a) Protect, maintain, and, where possible, enhance and restore the overall quality of the delta environment and its historical importance, including, but not limited to, agriculture, wildlife habitat, and recreational activities.

(b) Assure orderly, balanced conservation and development of delta land resources.

(c) Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

SEC. 2. Section 29703 of the Public Resources Code is amended to read:

29703. The Legislature further finds and declares as follows:

(a) The delta is an agricultural region of great value to the state and nation and the retention and continued cultivation and production of fertile peatlands and prime soils are of significant value.

(b) The agricultural land of the delta, while adding greatly to the economy of the state, also provides a significant value as open space and habitat for water fowl using the Pacific Flyway, as well as other wildlife, and the continued dedication and retention of that delta land in agricultural production contributes to the preservation and enhancement of open space and habitat values.

(c) Agricultural lands located within the primary zone should be protected from the intrusion of nonagricultural uses in the secondary zone.

SEC. 3. Section 29705 of the Public Resources Code is amended to read:

29705. The Legislature further finds and declares the following:

(a) The delta's wildlife and wildlife habitats, including waterways, vegetated unveeved channel islands, wetlands, and riparian forests and vegetation corridors, are highly valuable, providing critical wintering habitat for waterfowl and other migratory birds using the Pacific Flyway, as well as certain plant species, various rare and endangered wildlife species of birds, mammals, and fish, and numerous amphibians, reptiles, and invertebrates.

(b) These wildlife species and their habitat are valuable, unique, and irreplaceable resources of critical statewide significance, and it is the policy of the state to preserve and protect these resources and their diversity for the enjoyment of current and future generations.

(c) Wildlife habitat located within the primary zone should be protected from the intrusion of nonagricultural uses in the secondary zone.

SEC. 4. Section 29706 of the Public Resources Code is amended to read:

29706. The Legislature further finds and declares that the resource values of the delta have deteriorated, and that further deterioration threatens the maintenance and sustainability of the delta's agriculture, ecology, fish and wildlife populations, recreational opportunities, historical importance, and economic productivity.

SEC. 5. Section 29707 of the Public Resources Code is amended to read:

29707. The Legislature further finds and declares that there is no process by which state and national interests and values can be protected and enhanced for the delta, and that, to protect the regional, state, and national interests for the long-term agricultural productivity, economic vitality, historic value, and

ecological health of the delta resources, it is necessary to provide and implement delta land use planning and management by local governments.

SEC. 6. Section 29735 of the Public Resources Code is amended to read:

29735. There is hereby created the Delta Protection Commission consisting of 19 members as follows:

(a) One member of the board of supervisors of each of the five counties within the delta whose supervisorial district is within the primary zone shall be appointed by the board of supervisors of the county.

(b) Three elected city council members shall be selected and appointed by city selection committees, from regional and area councils of government, one in each of the following areas:

(1) One from the north delta, consisting of the Counties of Yolo and Sacramento.

(2) One from the south delta, consisting of the County of San Joaquin.

(3) One from the west delta, consisting of the Counties of Contra Costa and Solano.

(c) Two members representative of agricultural interests (one of whom shall be a landowner or represent landowners within the primary zone).

(d) Two members representative of environmental interests (one of whom shall be a landowner or represent landowners within the primary zone).

(e) Two members representative of recreation interests (one of whom shall represent historic preservation interests).

(f) Two members representing reclamation districts within the primary and secondary zones of the delta, chosen through a selection process established by the five reclamation districts in the region.

(g) The public member of the California Bay-Delta Authority appointed by the Governor to represent the Sacramento and San Joaquin River Delta ~~-(Delta)-~~ (delta) Region.

(h) The Secretary of the Resources Agency, or the secretary's designee.

(i) The Secretary of Food and Agriculture, or the secretary's designee.

SEC. 7. Section 29740.5 is added to the Public Resources Code, to read:

29740.5. The director of each of the entities specified in subdivisions (a) to (g), inclusive, shall, and the director of each of the entities specified in subdivisions (h) to (k), inclusive, may, designate an employee of the entity to participate as a nonvoting member in the activities of the commission:

(a) Department of Parks and Recreation.

(b) Department of Water Resources.

(c) Department of Fish and Game.

(d) State Lands Commission.

(e) Department of Boating and Waterways.

(f) State Reclamation Board.

(g) Department of Conservation.

(h) United States Army Corps of Engineers.

(i) United States Natural Resources Conservation Service.

(j) United States Fish and Wildlife Service.

(k) National Marine Fisheries Service.

SEC. 8. Section 29741 of the Public Resources Code is amended to

read:

29741. All of the commission's meetings shall be held in a city within the delta.

SEC. 9. Section 29753 of the Public Resources Code is amended to read:

29753. The commission may appoint advisory committees, as necessary, for the purpose of providing the commission with timely comments, advice, and information. The commission may appoint committees from its membership or may appoint additional advisory committees from members of other interested public agencies and private groups. The commission shall seek advice and recommendations from advisory committees appointed by local ~~government~~ *governments* that are involved in subject matters affecting the delta.

SEC. 10. Section 29756 of the Public Resources Code is amended to read:

29756. The commission may promote, facilitate, and administer the acquisition of voluntary private and public habitat and agricultural conservation easements in the delta.

SEC. 11. Section 29756.5 of the Public Resources Code is amended to read:

29756.5. The commission may act as the facilitating agency for the implementation of any programs for multiobjective flood control, joint habitat restoration or enhancement, or agricultural land conservation, located within the primary zone and secondary zone of the delta.

SEC. 12. Section 29760 of the Public Resources Code is amended to read:

29760. (a) (1) The commission shall review and maintain the resource management plan for land uses within, and that may have an impact on, the primary zone of the delta.

(2) On or before October 1, 2006, the commission shall identify lands within the secondary zone, that, if developed, would have an impact on the primary zone.

(b) The resource management plan shall meet the following requirements:

(1) Protect and preserve the cultural values and economic vitality that reflect the history, natural heritage, and human resources of the delta.

(2) Conserve and protect the quality of renewable resources.

(3) Preserve and protect agricultural viability.

(4) Restore, improve, and manage levee systems by promoting strategies, including, but not limited to, methods and procedures that advance the adoption and implementation of coordinated and uniform standards among governmental agencies for the maintenance, repair, and construction of both public and private levees.

(5) Preserve and protect delta dependent fisheries and their habitat.

(6) Preserve and protect riparian and wetlands habitat, and promote and encourage a net increase in both the acreage and values of those resources on public lands and through voluntary cooperative arrangements with private property owners.

(7) Preserve and protect the water quality of the delta, both for instream purposes and for human use and consumption.

(8) Preserve and protect open-space and outdoor recreational opportunities.

(9) Preserve and protect private property interests from

trespassing and vandalism.

(10) Preserve and protect opportunities for controlled public access and use of public lands and waterways consistent with the protection of natural resources and private property interests.

(11) Preserve, protect, and maintain navigation.

(12) Protect the delta from any development that results in any significant loss of habitat or agricultural land.

(13) Promote strategies for the funding, acquisition, and maintenance of voluntary cooperative arrangements, such as conservation easements, between property owners and conservation groups that protect wildlife habitat and agricultural land, while not impairing the integrity of levees.

(14) Permit water reservoir and habitat development that is compatible with other uses.

(c) The resource management plan shall not supersede the authority of local governments over areas within the secondary zone that do not impact the primary zone's resources.

(d) To facilitate, in part, the requirements specified in paragraphs (8), (9), (10), and (11) of subdivision (b), the commission shall include in the resource management plan, in consultation with all law enforcement agencies having jurisdiction in the delta, a strategy for the implementation of a coordinated marine patrol system throughout the delta that will improve law enforcement and coordinate the use of resources by all jurisdictions to ensure an adequate level of public safety. The strategic plan shall identify resources to implement that coordination. The commission does not have authority to abrogate the existing authority of any law enforcement agency.

(e) To the extent that any of the requirements specified in this section are in conflict, nothing in this division shall deny the right of the landowner to continue the agricultural use of the land.

SEC. 13. Section 29761 of the Public Resources Code is amended to read:

29761. The Director of State Planning and Research shall submit comments and recommendations on the resource management plan for the commission's consideration, prior to the plan's adoption or update.

SEC. 14. Section 29761.5 of the Public Resources Code is repealed.

SEC. 15. Section 29762 of the Public Resources Code is amended to read:

29762. A change or update to the resource management plan may be approved by the commission only after at least three public hearings, with at least one hearing held in a city in the north delta, one hearing held in a city in the south delta, and one hearing held in a city in the west delta.

SEC. 16. Section 29763 of the Public Resources Code is amended to read:

29763. Within 180 days from the date of the adoption of the resource management plan or any amendments, changes, or updates, to the resource management plan, by the commission, all local governments shall submit to the commission proposed amendments that will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone.

SEC. 17. Section 29763.5 of the Public Resources Code is amended to read:

29763.5. The commission shall act on proposed local government general plan amendments within 60 days from the date of submittal of the proposed amendments. The commission shall approve the proposed

general plan amendments by a majority vote of the commission membership, with regard to lands within, or causing impact on the resources of, the primary zone, only after making all of the following written findings as to the potential impact of the proposed amendments, to the extent that those impacts will not increase requirements or restrictions upon agricultural practices in the primary zone, based on substantial evidence in the record:

(a) The general plan, and any development approved or proposed that is consistent with the general plan, are consistent with the resource management plan.

(b) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in wetland or riparian loss.

(c) The general plan, and development approved or proposed that is consistent with the general plan, will not result in the degradation of water quality.

(d) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in increased nonpoint source pollution.

(e) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(f) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(g) The general plan, and any development approved or proposed that is consistent with the general plan, will not expose the public to increased flood hazard.

(h) The general plan, and any development approved or proposed that is consistent with the general plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(i) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation or impairment of levee integrity.

(j) The general plan, and any development approved or proposed that is consistent with the general plan, will not adversely impact navigation.

(k) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

(l) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in degradation to the cultural or historical value of delta communities.

SEC. 18. Section 29764 of the Public Resources Code is amended to read:

29764. This division does not confer any permitting authority upon the commission or require any local government to conform its general plan, or land use entitlement decisions, to the resource management plan, except with regard to lands within, or that may have an impact on, the primary zone. The resource management plan does not preempt local government general plans for lands within the secondary zone, except for those lands that have been identified as lands that, if developed, would have an impact on the primary zone.

SEC. 19. Section 29765 of the Public Resources Code is amended to read:

29765. Prior to the commission approving the general plan amendments of the local government, the local government may approve development within the primary zone only after making all of the following written findings on the basis of substantial evidence in the record:

- (a) The development will not result in wetland or riparian loss.
- (b) The development will not result in the degradation of water quality.
- (c) The development will not result in increased nonpoint source pollution or soil erosion, including subsidence or sedimentation.
- (d) The development will not result in degradation or reduction of Pacific Flyway habitat.
- (e) The development will not result in reduced public access, provided that access does not infringe upon private property rights.
- (f) The development will not expose the public to increased flood hazards.
- (g) The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.
- (h) The development will not result in the degradation or impairment of levee integrity.
- (i) The development will not adversely impact navigation.
- (j) The development will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.
- (k) The development will not result in degradation to the cultural or historical value of delta communities.

SEC. 20. Section 29765.5 is added to the Public Resources Code, to read:

29765.5. (a) A local government's general plan amendment for the secondary zone that results in the conversion of agricultural land or habitat from a rural use to an urban classification shall be mitigated by either agricultural or habitat conservation easements within the primary zone or areas of the secondary zone that may impact the resources of the primary zone or fees equal to the value of obtaining those easements. The mitigation easements shall be in the amount of one acre for every acre of land converted, or the fees charged for the value of obtaining those easements shall be in the amount it would cost to obtain one acre of easement for every acre of land converted.

(b) *When a person applies to a public agency of a local government subject to subdivision (a) for a building permit, license, certificate, or other entitlement for use, all fees required by subdivision (a) shall be paid by the local government to the commission and transmitted to the Treasurer for deposit in the Sacramento-San Joaquin Delta Protection Fund.*

SEC. 21. Section 29771 of the Public Resources Code is amended to read:

29771. After a hearing on an appealed action, the commission shall either deny the appeal or remand the matter to the local government or local agency for reconsideration, after making specific findings. Upon remand, the local government or local agency shall modify the appealed action and resubmit the matter for review to the commission. A proposed action appealed pursuant to this section shall not be effective until the commission has adopted written

findings, based on substantial evidence in the record, that the action is consistent with the resource management plan, the approved portions of local government general plans that implement the resource management plan, and this division.

SEC. 22. Section 29776 of the Public Resources Code is amended to read:

29776. The Sacramento-San Joaquin Delta Protection Fund is hereby created in the State Treasury. Any money in the Sacramento-San Joaquin Delta Protection Fund is available, upon appropriation by the Legislature, for support of the commission.

SEC. 23. Section 29777 of the Public Resources Code is amended to read:

29777. The commission shall not incur costs in excess of the amount of funds available for expenditure by the commission in any fiscal year.

SEC. 24. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

BILL NUMBER: SB 1155

INTRODUCED BY Senator Machado

AMENDED IN SENATE MAY 11, 2004
AMENDED IN SENATE MAY 5, 2004
AMENDED IN SENATE APRIL 12, 2004

JANUARY 28, 2004

An act to add Section 138.10 to the Water Code,
relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1155, as amended, Machado. *Water quality standards:*
Sacramento-San Joaquin Delta ~~— Vernalis salinity~~
~~objectives~~.

Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water.

The bill would *require the Director of Water Resources, in consultation with the Secretary of Interior or his or her designee, and on or before January 1, 2006, to develop and implement a program to meet all existing water quality standards and objectives for which the State Water Project has responsibility, either separately or jointly with the federal Central Valley Project. The bill would* make legislative findings and declarations relating to the operation of state and federal water facilities and the 1995 Bay-Delta Plan salinity objectives at Vernalis, and, further, would find and declare that the state should not assist an entity in increasing its use of public trust resources if that entity fails to meet water quality requirements that are conditions of a water rights permit or license.

Vote: majority. Appropriation: no. Fiscal committee:
~~no~~ yes . State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Under Water Right Decision No. 1641 of the State Water Resources Control Board and its subsequent revisions, the Department of Water Resources and the United States Bureau of Reclamation are each required to operate their respective facilities to meet numerous water quality standards. These standards include, but are not limited to, the 1995 Bay-Delta Plan salinity objectives at Vernalis.

(b) The modeling of both the State Water Resources Control Board and the United States Bureau of Reclamation indicates that, under current operations, violations of the Vernalis salinity objectives are projected to occur in approximately half of all water years.

This number includes above-normal and wet water years, which typically means there is sufficient water in the system so that the salinity objectives are not an issue. If the above-normal and wet water year classifications are removed from the modeling results, it is predicted that water quality violations will occur at Vernalis in July and August of most water years.

(c) The state should not assist an entity in increasing its use of public trust resources if that entity fails to meet water quality requirements that are conditions of a water rights permit or license.

SEC. 2. Section 138.10 is added to the Water Code, to read:

138.10. (a) On or before January 1, 2006, the director, in consultation with the Secretary of Interior or his or her designee, shall develop and implement a program to meet all existing water quality standards and objectives for which the State Water Project has responsibility, either separately or jointly with the federal Central Valley Project.

(b) The program shall be designed to achieve compliance with water quality standards prior to increasing exports from the Sacramento-San Joaquin Delta beyond levels authorized under applicable operating criteria in effect on July 1, 2003.

AMENDED IN SENATE APRIL 29, 2004

FEBRUARY 20, 2004

An act to add Section ~~56426.1~~ 56375.6
to the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1607, as amended, Machado. Local agency formation.

Existing law requires a local agency formation commission to develop, determine, and adopt a sphere of influence of each local government agency within the county.

This bill would prohibit the commission from approving or conditionally approving *change of organization, reorganization, or a change to the sphere of influence of a local government agency of territory that is part of the primary zone, as defined, of the Sacramento-San Joaquin Delta, if that local government agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the affected territory unless the commission determines, based on substantial evidence, that specified effects will not result* .

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section ~~56426.1~~ 56375.6 is added to the Government Code, to read:

~~56426.1.~~

56375.6. (a) The commission shall not approve or conditionally approve *a change of organization, a reorganization, or a change to a sphere of influence of a local government agency of territory that is part of the primary zone, as defined in Section 29728 of the Public Resources Code, of the Sacramento-San Joaquin Delta, if that local government agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory.* *affected territory, unless the commission determines based on substantial evidence in the record that the change of organization, reorganization, or change to the sphere of influence will not result in any of the following:*

- (1) *Wetland or riparian loss.*
- (2) *Degradation of water quality.*
- (3) *Increased nonpoint source pollution or soil erosion, including subsidence or sedimentation.*
- (4) *Degradation or reduction of Pacific Flyway habitat.*
- (5) *Reduced public access, provided that access does not infringe upon private property rights.*

- (6) Increased public exposure to flood hazards.
 - (7) Adverse impacts to agricultural lands or increased potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.
 - (8) Degradation or impairment of levee integrity.
 - (9) Adverse impacts to navigation.
 - (10) Increased requirements or restrictions upon agricultural practices in the primary zone.
- (b) Affected territory or territory annexed or added to a sphere of influence shall not be used for the purpose of avoiding, minimizing, rectifying, reducing, or compensating for one or more potentially adverse environmental impacts under the California Environmental Quality Act, (Division 13 (commencing with Section 21000) of the Public Resources Code).
- (c) Nothing in this section shall be construed to restrict the ability of a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to Section 56133.